

21.02.2023
Sl. No.27
[ALLOWED]

C. R. M. (DB) 462 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 31.01.2023 in connection with Gangnapur Police Station Case No.574 of 2022 dated 02.12.2022 under Section 6 of the POCSO Act.

And

In Re: ***Kishore Biswas***

... .. Petitioner

Ms. Minoti Gomes
Mr. Partha Sarathi Das

... .. for the petitioner

Mr. Debabrata Chatterjee .. Id. Addl. Public Prosecutor
Mr. Santanu Chatterjee

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 80 days. It is further submitted there was a love affair between the parties.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Statement of the victim discloses an amorous relationship between two young persons. Keeping in mind the aforesaid fact and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.

Therefore, the accused/petitioner, namely ***Kishore Biswas***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the POCSO Act-cum-Additional District & Sessions Judge, Ranaghat, Nadia subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders

and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall not enter the jurisdiction of Gangnapur Police Station except for the purpose of attending court proceedings and shall provide the address where he shall presently reside to the Investigating Agency as well as the court below and shall report to the Officer-in-charge of the police station concerned within whose jurisdiction he shall presently reside once in a week until further orders.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)